

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 1-11 are pending in the subject application, with Claim 1 being in independent format. A Petition for a two-month extension of time for response to the Office Action mailed July 13, 2005 and the requisite fee accompany this Amendment and Reply, thereby extending the period for response until December 13, 2005.

Claims 8 has been amended to replace the phrase "Velcro strip" with "hook and loop fastener."

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

Priority

The Examiner acknowledges applicant's claim for foreign priority under 37 U.S.C. § 119 based on Swiss Patent Application No. CH 2062/02, filed December 5, 2002. Applicant submits a certified copy of Swiss Patent Application No. CH 2062/02 herewith this Amendment and Reply.

Specification

The Examiner states in the Office Action that every letter of the term "Velcro" should be capitalized when the term is recited in the specification. Applicant has made the appropriate correction of the specification. It is therefore urged that the present objection of the specification may be properly withdrawn.

Abstract

The abstract of the disclosure is objected to because line 1 of the abstract recites "The present invention relates to....". Applicant has amended line 1 of the abstract to read: "A transporter for foldable tents is provided", and the amendment is reflected in a new abstract, which

is being submitted herewith this Amendment and Reply. It is therefore urged that the present objection of the abstract of the disclosure may be properly withdrawn.

Claim Objections

The Examiner has objected to Claim 8 because the trademark name “Velcro”, present in the Claim 8 as filed, is not permitted in the claims. Applicant has amended Claim 8 to replace the terms “Velcro strip” with the terms “hook and loop fastener”.

It is therefore urged that the present objection of Claim 8 may be properly withdrawn.

Claim Rejections – 35 U.S.C. §102(b)

Claims 1-5, 8, and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by *Taube et al.* (U.S. Patent No. 6,279,926). This rejection is respectfully traversed, particularly in view of the following remarks.

The Examiner alleges that *Taube et al.* discloses a transporter comprising a case 200 with an opening in the lower region and a handle in the upper region, and a transport device 210 with horizontal and vertical plates 300 and a strip or fastening means 420 for securing the case to the transport device.

Claim 1 recites: “A transporter for a foldable tent comprising: (a) a case which is open near a lower region; and (b) at least one transport device releasably connected to the case at its lower region, the transport device comprising a horizontal plate which engages below the tent and supports the tent, and wherein the at least one transport device is releasably connected to the tent by way of a fastening means.”

Unlike the inventive transporter, the wheel system disclosed by *Taube et al.* does not teach or suggest a case which is open near a lower region. As shown in Figures 1 and 2, applicant’s inventive transporter comprises a case 1 that can be opened longitudinally from its lower side by way of, for example, a zipper 20. In this opened position, the case 1 may be positioned around a tent 7. This inventive feature allows a user to gain access to the tent 7 without turning the case 1. In contrast, *Taube et al.* teaches a wheel system provided with a tube-shaped luggage 200. As shown in Figures 5 and 6 of *Taube et al.*, tube-shaped luggage 200

cannot be opened longitudinally from its lower side, thus tube-shaped luggage 200 is **not** provided with an opening in the lower region.

Taube et al. therefore does **not** disclose each element of the claimed invention and does not anticipate Claim 1. Claims 2-5, 8, and 9 depend from Claim 1 and necessarily include each of the limitations of Claim 1.

It is urged that Claims 1-5, 8, and 9 are not anticipated by *Taube et al.* and that the present rejection of the claims under 35 U.S.C. §102(b) may thus be properly withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

Claims 6, 7, 10, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Taube et al.* in view of *Winton* (U.S. Patent No. 5,879,022). This rejection is respectfully traversed, particularly in view of the following remarks.

The Examiner alleges that *Winton* teaches a cart comprising detachable wheels 58 with outer rings and hub 44, wherein said wheels can be stored in an upper chamber 30, cover 20, and longitudinal zipper and that it would have been obvious to one with ordinary skill in the art at the time of the invention to provide the transport of *Taube et al.* with the detachable wheels and compartment with cover and zipper of *Winton* in order to compact the transport for storage.

Claims 6, 7, 10, and 11 depend from Claim 1 and necessarily include each of the limitations of Claim 1. The teachings of *Taube et al.* are discussed above. Similar to *Taube et al.*, *Winton* does **not** teach or suggest a case which is open near a lower region. Therefore, *Winton* does not remedy any of the deficiencies noted in *Taube et al.* Accordingly, Claims 6, 7, 10, and 11 cannot be obvious in view of the combined teachings of *Taube et al.* and *Winton*.

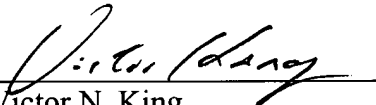
It is therefore urged that *Taube et al.* in view of *Winton* would not render Claims 6, 7, 10, and 11 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

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Conclusion

In view of the above amendments and remarks, applicant believes that he has addressed all of Examiner's concerns. Early consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,

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